

**ZB# 94-25**

**Pamela Laffin /  
David Jones**

**50-2-9**

Prelim.

June 27, 1994

Need copy:

- ① Deck ✓
- ② Title Report ✓
- ③ Photos ✓
- ④ Fees: ① 50.00 ✓  
② 292.00 ✓

Letters out -

Public Hearing:

August 8, 1994.

Area.

Variance

Granted.

TOWN OF NEW WINDSOR  
555 Union Avenue  
New Windsor, NY 12550

# GENERAL RECEIPT

14163

July 15

19 94

Received of

Pamela Laffin

\$ 5000

Fifty and 00/100

DOLLARS

For

Zoning Variance #94-25

DISTRIBUTION:

FUND	CODE	AMOUNT
CD #1248		50.00

By

Dorothy H. Hansen

Town Clerk

Title

© WILLIAMSON LAW BOOK CO., VICTOR, N.Y. 14564



OVERNIGHT

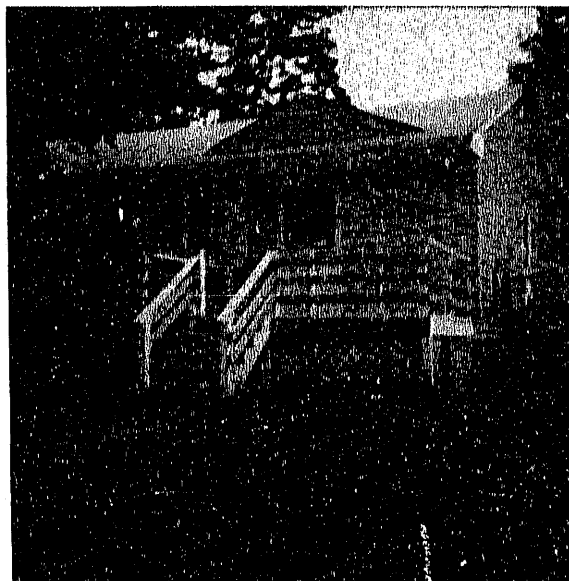
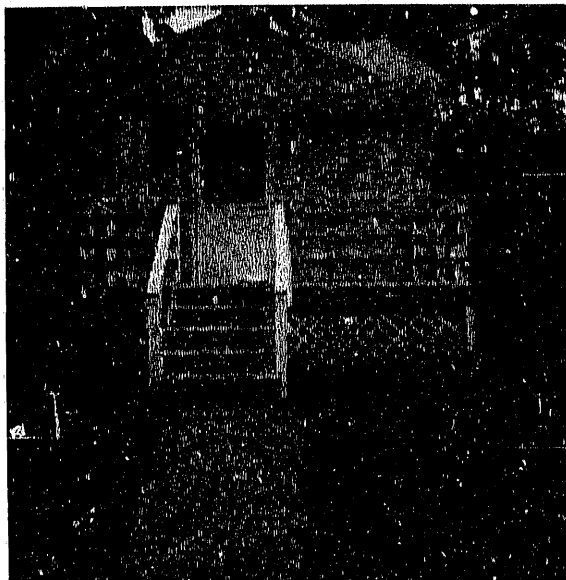
CP# 1248		50.00

© WILLIAMSON LAW BOOK CO., VICTOR, N.Y. 14564

by

*Town Clerk*

Title



CP# 192 - Passalo, Rose Marie

-----x  
In the Matter of the Application of

PAMELA LAFFIN/DAVID JONES

DECISION GRANTING  
AREA VARIANCE#94-25.  
  
-----x

WHEREAS, PAMELLA LAFFIN, residing at 12-C Winthrop Court, Wappingers Falls, New York, 12590, has made application before the Zoning Board of Appeals for a 19 ft. 6 in. front yard variance for an existing deck located at 27 Canterbury Lane, New Windsor, New York in an R-3 zone; and

WHEREAS, a public hearing was held on the 8th day of August, 1994, before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, applicant, PAMELA LAFFIN, appeared in behalf of herself; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, there were no spectators to speak and there was no opposition to the application before the Board; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.

2. The evidence presented by the applicant showed that:

(a) The property is a residence which is located in a residential neighborhood.

(b) The variance concerns a deck which is existing and built by a prior owner.

(c) The deck does not protrude farther toward the street than the house to which it is attached nor does it protrude farther than the other houses.

(d) There are no other decks on this house except the one for which the variance is sought.

(e) It is necessary for safe egress and ingress to the front door of the home to have steps and a deck.

(f) Several neighbors had expressed to the applicant their approval of the deck as it exists.

(g) The place on the premises upon which the deck is

located faces woods or undeveloped property.

(h) There are other similar decks in the neighborhood.

(i) The variance sought is 44%.

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law in this matter:

1. The requested variance will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.

2. There is no other feasible method available to applicant which can produce the benefit sought other than the variance procedure.

3. The requested variance is substantial but it is nevertheless warranted because it will be consistent with the neighborhood in which it is located and because it is necessary for the health, safety and welfare of the inhabitants of the premises being necessary to egress and ingress through the front door.

4. There will be no adverse impact to the neighborhood. The conditions exist now and there appear to be no problems or complaints with same.

5. The difficulty the applicant faces in conforming to the bulk regulations is not a self-created hardship because the applicant did not construct the structure.

6. It is the finding of this Board that the benefit to the applicant, if the requested area variance is granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community by such grant.

7. It is the further finding of this Board that the requested area variance is the minimum variance necessary and adequate to allow the applicant relief from the requirements of the bulk regulations and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

8. The interests of justice will be served by allowing the granting of the requested area variance.

NOW, THEREFORE, BE IT

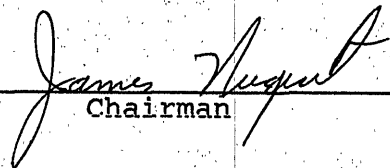
RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a 19 ft. 6 in. front yard variance for existing deck located at 27 Canterbury Lane, in an R-3 zone, as sought by the applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER,

RESOLVED, that the Secretary of the Zoning Board of Appeals

of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and applicant.

Dated: October 24, 1994.

  
Chairman

(ZBA DISK#12-100394.PL)

LAFFIN/JONES

Ms. Laffin appeared before the board for this proposal.

MR. NUGENT: Request for 19 ft. 6 in. front yard variance for existing deck at 27 Canterbury Lane in an R-3 zone.

MS. LAFFIN: Pictures are there that I had left in the file previously. We're looking to get a variance because there was insufficient front yardage on a deck built by the previous owner and we didn't realize it until right before we closed on the property that not only did the deck not meet code building-wise but also because the variance for the property so we have the previous owner bringing it to code. We said we'd do the variance so we can close and get the C.O. for the deck and we're here.

MR. NUGENT: Did you tear it down already? Are you tearing it down?

MS. LAFFIN: No, it was done by the previous owner. There should be a letter from the building inspector stating that.

MR. TORLEY: This deck doesn't protrude further toward the road than other decks, front porches and that?

MS. LAFFIN: No. Matter of fact. We had a lot of neighbors stop by and say what's the big deal, we like the deck. It's a ranch home. That is the main entrance to the house. And we like the look of the house with the deck and when our realtor advised us when the survey map came that it was not the original deck size we were kind of disappointed at that point so that is why we opted to take our time and money and go for the variance as long as, cause she was moving down south. So we said if she brought it into code because we didn't want the deck falling off the house when we moved in so she'd bring it to code that is why we're here.

MR. LANGANKE: Do you have any other decks on the house?



MS. LAFFIN: No, no, just a small porch on the side door that was the original.

MR. TORLEY: What are the dimensions of this deck?

MRS. BARNHART: 8 by 14.

MR. TORLEY: And you don't feel that a deck any narrower would be economic, useful or functional if you made this thing to meet the code, you could not have any front deck there at all?

MS. LAFFIN: Right, actually the house doesn't even meet code but because it's grandfathered.

MR. TORLEY: With the entranceway that you have, you require some steps down to reach the ground level?

MS. LAFFIN: Correct.

MR. TORLEY: By placing the deck there, you would enhance the value of the house and you don't feel you're protruding further toward the road than others in the neighborhood?

MS. LAFFIN: No, kind of like up a little incline so it doesn't even look like it's even close to the road. Like I said, we have had several people stop by and said do you want us to go and tell them how much we like the deck? I said no, the thing is if you are supposed to go and object and that is it.

MR. KANE: The deck fits into the neighborhood and other homes that are there, it's in coordination with everything else?

MS. LAFFIN: Right, my daughter's working real hard painting it.

MR. KANE: And your neighbors have no problem with that?

MS. LAFFIN: No, they all like it. She's even got paint marks to prove it.

MS. LAFFIN: Because there's no other deck on the home backsides, or whatever, we also wanted to keep it and be, we like it cause it faces the woods across the street is the woods and it's nice to sit out there and just relax.

MR. KANE: Economically, it wouldn't be feasible to do anything other than have that deck there?

MS. LAFFIN: Not really.

MR. KRIEGER: The other homes, these are all one family residential homes in this neighborhood?

MS. LAFFIN: Correct.

MR. KRIEGER: Do many of the other homes have decks on them regardless of where they are located, maybe in the back or the side?

MS. LAFFIN: I have seen a few, like I said, we have only lived there since the end of June and we have been so busy working.

MR. KRIEGER: I'm not asking you for percentage, there are a number of others?

MS. LAFFIN: Yes.

MR. KRIEGER: Decks similar in appearance, construction?

MS. LAFFIN: There's one right around the corner that is similar.

MR. KRIEGER: What's allowed here in the front yard?

MRS. BARNHART: 45.

MR. KRIEGER: They are required to have 45 and they have?

MRS. BARNHART: They have 25 and they are asking for 19'6".

MR. KRIEGER: I think I have in the record what I need.

MR. KANE: Make a motion to grant the variance for Laffin/Jones at 27 Canterbury Lane.

MR. LANGANKE: Second it.

ROLL CALL

MR. KANE	AYE
MR. LANGANKE	AYE
MR. TORLEY	AYE
MR. NUGENT	AYE

MR. NUGENT: There was nobody in the audience.

MR. KRIEGER: There were none, I think I did earlier on but for the record there were no persons wishing to speak on this.

*Prelim!*  
*June 27, 1994*  
*7:30 p.m.*

OFFICE OF THE BUILDING INSPECTOR - TOWN OF NEW WINDSOR  
ORANGE COUNTY, NEW YORK

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: JUNE 2, 1994

APPLICANT: PAM LAFFIN/DAVID JONES  
12-C WINTHROP COURT  
WAPPINGERS FALLS, N.Y. 12590

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED: JUNE 2, 1994  
FOR (BUILDING PERMIT): FOR EXISTING 8FT. X 14FT. FRONT DECK.  
LOCATED AT: 27 CANTERBURY LANE

ZONE: R-3

DESCRIPTION OF EXISTING SITE: SECTION: 50, BLOCK: 2, LOT: 9  
ONE FAMILY HOUSE

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. EXISTING 8FT. X 14FT. FRONT DECK EXCEEDS MINIMUM FRONT YARD SET-BACK.

*Frank L...*  
BUILDING INSPECTOR

\*\*\*\*\*

REQUIREMENTS	PROPOSED OR AVAILABLE	VARIANCE REQUEST
ZONE: R-3      USE E-8		
MIN. LOT AREA		
MIN. LOT WIDTH		
REQ'D FRONT YD    45FT.	25FT. 6 IN.	19FT. 6 IN.

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT  
914-563-4630 TO MAKE AN APPOINTMENT WITH THE ZONING BOARD

CC: Z.B.A., APPLICANT, B.P. FILES.

MAY 24 '94 11:59AM REALTY WORLD - EDWARD R. HARTLEY  
 Post-Net FAX NO 1012 No. of Pages 1  
 To Mike Babcock or Frank Kice From Renae Hamilton  
 Company Realty World/Edmund S. Mariano Dept. Charge  
 Location  
 Fax # 563-4696 Telephone # 563-4618 Fax # 565-8101 Telephone # 561-5252  
 Comments Original Disposition ☐ Destroy ☐ Call for pickup

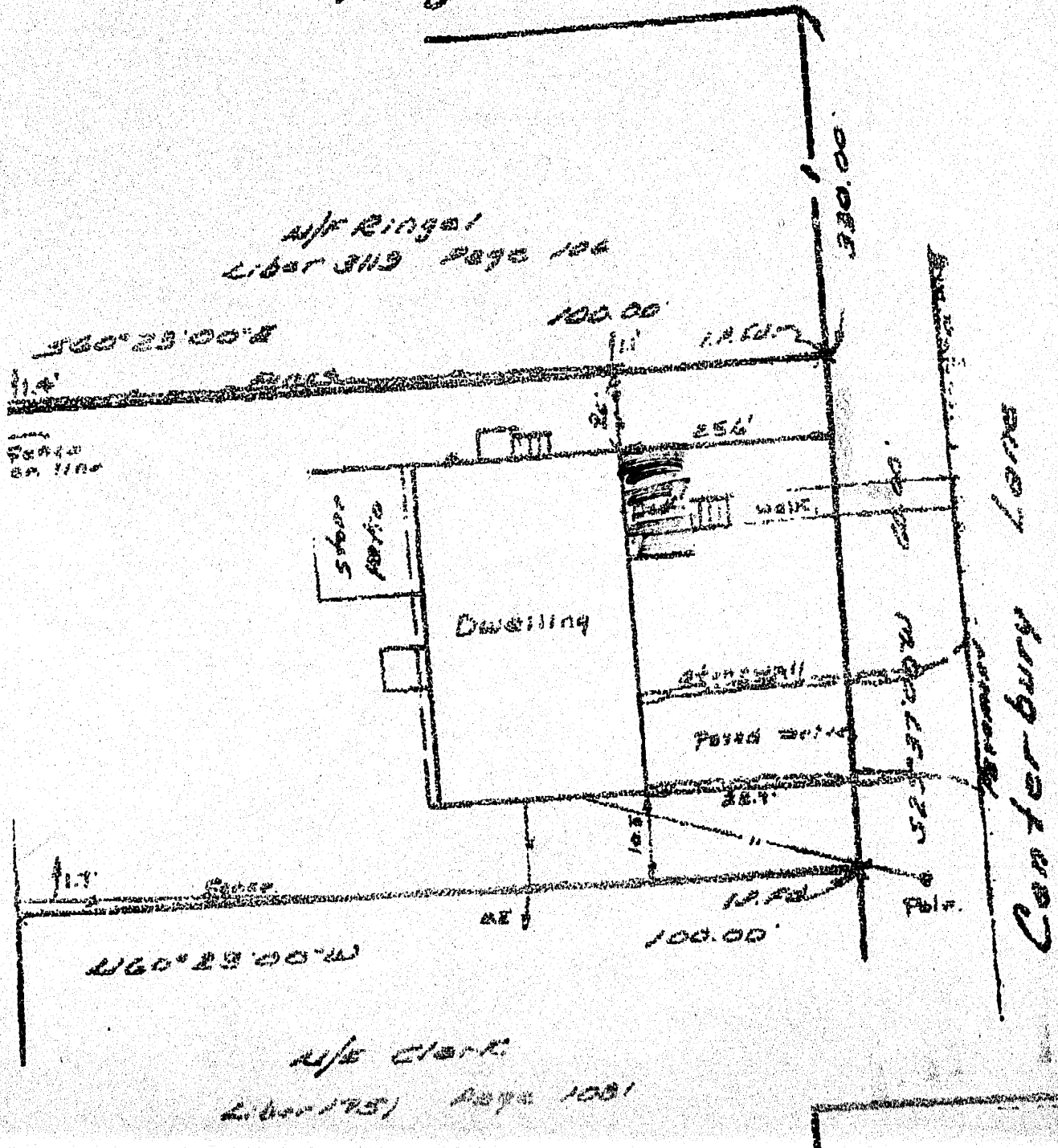
Dear Mr. Babcock or Mr. Kice - Please call either myself or  
 my broker, Ed Mariano, in regards to this survey.  
 Thank you, Renae

05-23-1994 11:16AM FROM S.F.S&L

TO

5658101 P.02

# Forge Hill Road



of course, but please, in regards to this survey.  
Thank you, Lenore

05-23-1994 11:16AM FROM S.F.S&L

TO

5658101 P.02

# Forge Hill Road

A/P Ringo!  
Libar 319 Page 106

560°23'00"E

100.00'

1.25.00'

330.00'

11.4'

564.10  
on 11.00'

store  
porch

Dwelling

25.6'

walk

20.8'

stone wall

pond wall

28.7'

52°37'00"W

11.4'

560°23'00"W

AE 1

100.00'

12.50'

Plt.

Centerbury Lane

A/P Clark

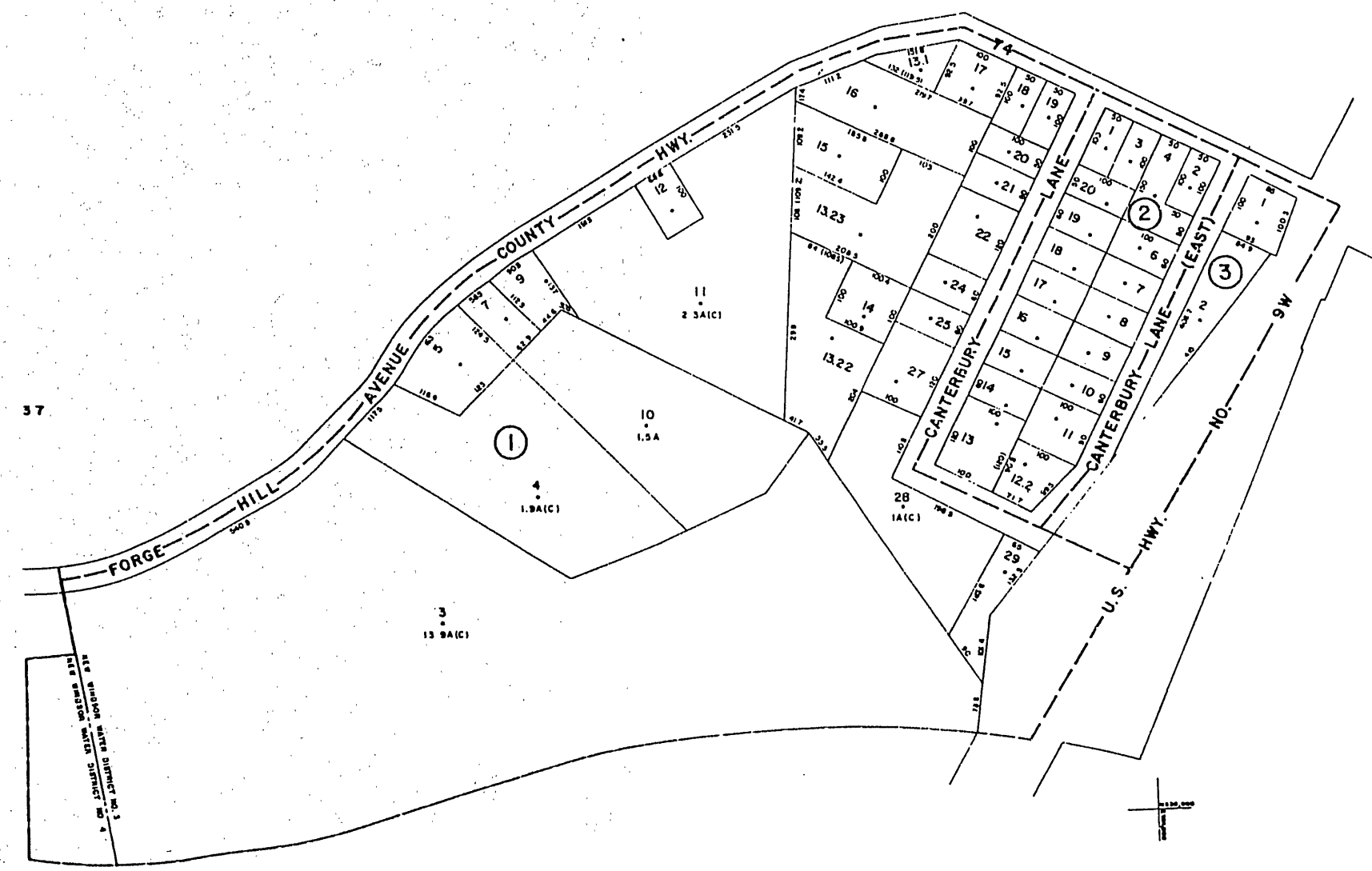
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SCALE: 1"=30'		APPY
DATE: April 12, 1994		
THURS 06 APR 94		

SECTION 37

SECTION 37

SECTION 37



ALL CORNWALL SCHOOL DISTRICT  
ALL VALS GATE FIRE DISTRICT

Prepared by  
ORANGE CO. TAX MAP DEPT.  
MAIN ST., GOSHEN, N.Y. 10924  
1989  
FOR TAX PURPOSES ONLY  
NOT TO BE USED FOR CONVEYANCE

LEGEND			
STATE OR COUNTY LINE	FILED PLAN LOT LINE	TAX MAP BLOCK NO.	FILED PLAN BLOCK NO.
CITY TOWN OR VILLAGE LINE	EASEMENT LINE	TAX MAP PARCEL NO.	FILED PLAN LOT NO.
BLOCK & SECTION LINE	MATCH LINE	AREAS (1"=100' or 1"=200' or 1"=300')	STATE HIGHWAYS
SPECIAL DISTRICT LINE	STREAMS	DIMENSIONS (shown as (scaled) feet)	COUNTY HIGHWAYS
PROPERTY LINE	GRID COORDINATE CENTROID		TOWN ROADS

## ORANGE COUNTY-NEW YORK

Photo No. 14-32,33 Date of Map 9-24-67  
Date of Photo 3-1-65 Date of Revision 3-1-91  
Scale: 1" = 100'

## TOWN OF NEW WINDSOR

Section No. 50



ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR  
COUNTY OF ORANGE : STATE OF NEW YORK

-----X  
In the Matter of Application for Variance of

Pamela Laffin / David Jones,

Applicant.

AFFIDAVIT OF  
SERVICE  
BY MAIL

# 94-25.

-----X  
STATE OF NEW YORK)  
                          ) SS.:  
COUNTY OF ORANGE )

PATRICIA A. BARNHART, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age  
and reside at 7 Franklin Avenue, New Windsor, N. Y. 12553.

On July 18, 1994, I compared the 33 addressed  
envelopes containing the attached Notice of Public Hearing with  
the certified list provided by the Assessor regarding the above  
application for variance and I find that the addressees are  
identical to the list received. I then mailed the envelopes in a  
U. S. Depository within the Town of New Windsor.

Patricia A. Barnhart  
Patricia A. Barnhart

Sworn to before me this  
18<sup>th</sup> day of July, 1994.

Deborah Green  
Notary Public

DEBORAH GREEN  
Notary Public, State of New York  
Qualified in Orange County  
# 4984065  
Commission Expires July 15, 1995

(TA DOCDISK#7-030586.AOS)





1763

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

33

July 11, 1994

Pamela Laffin &  
David Jones  
27 Canterbury Lane  
New Windsor, NY 12553

Re: Tax Map Parcel #50-2-9 Variance List

Dear Ms Laffin & Mr. Jones:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$55.00, minus your deposit of \$25.00.

Please remit the balance of \$30.00 to the Town Clerk's office.

Sincerely,

*Leslie Cook / po*  
Leslie Cook  
Sole Assessor

LC/po  
Attachments

CC: ~~Pat Barnhart~~

Staples, Sara E.  
c/o Miriam S. Spaulding X  
RD #4, Box 760 Forge Hill Road  
New Windsor, NY 12553

Smith, Robert & Jeanie Lou  
765 Forge Hill Road  
New Windsor, NY 12553 X

Laddick, Frances  
769 Forge Hill Road X  
New Windsor, NY 12553

Bradley, Mary Diantha & Joseph F.  
775 Forge Hill Rd. X  
New Windsor, NY 12553

Whittemore, Dorothea  
9 Staples Lane X  
New Windsor, NY 12553

Gould, Richard & Marie E. X  
PO Box 25  
Southfields, NY 10975

Staples, John V. & Carmela L.  
766 Forge Hill Rd. X  
New Windsor, NY 12553

Santoro, Anthony J. & Diane X  
778 Forge Hill Rd.  
New Windsor, NY 12553

Wagner, Mary A.  
780 Forge Hill Rd. X  
New Windsor, NY 12553

Purcell, Patrick & Barbara  
781 Forge Hill Rd. X  
New Windsor, NY 12553

Lewis, Francis  
4 Canterbury Lane X  
New Windsor, NY 12553

Gavin, Hugh B. & Leona M.  
8 Canterbury Lane X  
New Windsor, NY 12553

Andrews, Eugene X  
10 Canterbury Lane  
New Windsor, NY 12553

Ondriska, William J. & Julia  
12 Canterbury Lane  
New Windsor, NY 12553 X

Demicco, Charles & Marion  
16 Canterbury Lane  
New Windsor, NY 12553 X

Maslowski, Joseph M. & Genevieve  
24 Lannis Ave.  
New Windsor, NY 12553 X

Farina, Vincent & Veronica  
782 Forge Hill Rd.  
New Windsor, NY 12553 X

Zappola, Anthony & Susan  
787 Forge Hill Rd.  
New Windsor, NY 12553 X

Leininger, Paul N.  
783 Forge Hill Rd.  
New Windsor, NY 12553 X

Wygant, Fred Jr. & Kathryn  
784 Forge Hill Rd.  
New Windsor, NY 12553 X

Kane, Christopher J. &  
Anne Farricker-Kane  
33 Canterbury Lane  
New Windsor, NY 12553 X

Kintz, Mark W. & Mr. Shannon  
31 Canterbury Lane  
New Windsor, NY 12553 X

Ringel, David L. & Katherine C.  
29 Canterbury Lane  
New Windsor, NY 12553 X

Clark, Stanley J. & Sally O.  
25 Canterbury Lane  
New Windsor, NY 12553 X

Thorpe, Michael J.  
23 Canterbury Lane  
New Windsor, NY 12553 X

Sykes, Isabelle S.  
19 Canterbury Lane  
New Windsor, NY 12553 X

Andrews, Richard T. & Ruth S.  
17 Canterbury Lane  
New Windsor, NY 12553

Mastrorocco, Michael & Terri  
789 Forge Hill Rd.  
New Windsor, NY 12553

McErleane, Kevin & Beatrice &  
Joseph V. & Sandra C. Burkert  
19 Knox Drive  
New Windsor, NY 12553

O'Rourke, Joseph ETAL  
c/o Richard Clarino, Esq.  
100 Commerce Dr., Suite 107  
New Windsor Business Park  
New Windsor, NY 12553

Herbison, Edward B. & Margaret E.  
Forge Hill Rd.  
New Windsor, NY 12553

SanGiacomo Co. of Orange NJ  
300 Executive Dr., Suite 360  
West Orange, NJ 07052

Sykes, Robert C. &  
Sigrid C. Gregory  
c/o Sigrid C. Gregory  
159 Main St.  
Cornwall, NY 12518

*P.S. publish immediately. Send bill to below applicant at  
Canterbury Lane  
address.*

PUBLIC NOTICE OF HEARING BEFORE  
ZONING BOARD OF APPEALS  
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the  
TOWN OF NEW WINDSOR, New York, will hold a Public Hearing  
pursuant to Section 48-34A of the Zoning Local Law on the  
following Proposition:

Appeal No. 25.

Request of Pamela Laffin & David Jones

for a VARIANCE of the Zoning Local Law to permit:

existing deck w/ insufficient front yard;

being a VARIANCE of Section 48-12 - Table of Use/  
Bulk Reqs. - Col. E.

for property situated as follows:

27 Canterbury Lane, New Windsor, N.Y.

known as tax lot Section 50 Block 2 Lot 9.

SAID HEARING will take place on the 8th day of August,  
1994, at New Windsor Town Hall, 555 Union Avenue, New Windsor,  
New York, beginning at 7:30 o'clock P. M.

James Nugent.  
Chairman

By: Patricia A. Barnhart,  
Secy.

TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

# 94-25

Date: 7-14-94

I. ✓ Applicant Information:

- (a) Pamela Laffin / David Jones 27 Canterbury Lane 534-5490  
(Name, address and phone of Applicant) (Owner)  
(b) \_\_\_\_\_  
(Name, address and phone of purchaser or lessee)  
(c) \_\_\_\_\_  
(Name, address and phone of attorney)  
(d) \_\_\_\_\_  
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- ( ) Use Variance ( ) Sign Variance  
(X) Area Variance ( ) Interpretation

III. ✓ Property Information:

- (a) R-3 27 Canterbury Lane 50-2-9 60X100  
(Zone) (Address) (S B L) (Lot size)  
(b) What other zones lie within 500 ft.? \_\_\_\_\_  
(c) Is a pending sale or lease subject to ZBA approval of this application? No  
(d) When was property purchased by present owner? 6-3-94  
(e) Has property been subdivided previously? Not known to us  
(f) Has property been subject of variance previously? not known to us  
If so, when? \_\_\_\_\_  
(g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? No  
(h) Is there any outside storage at the property now or is any proposed? Describe in detail: No

IV. Use Variance. N/A

- (a) Use Variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_, to allow:  
(Describe proposal) \_\_\_\_\_

(b) <sup>N/A</sup> The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(c) <sup>N/A</sup> Applicant must fill out and file a Short Environmental Assessment Form (SEQR) with this application.

(d) The property in question is located in or within 500 ft. of a County Agricultural District: Yes \_\_\_\_\_ No ✓.

If the answer is Yes, an agricultural data statement must be submitted along with the application as well as the names of all property owners within the Agricultural District referred to. You may request this list from the Assessor's Office.

✓ V. Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table of Use/Bulk, Regs., Col. E.

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yd. <u>45 ft.</u>	<u>25 ft. 6 in.</u>	<u>19 ft. 6 in.</u>
Reqd. Side Yd. _____	_____	_____
Reqd. Rear Yd. _____	_____	_____
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Dev. Coverage* _____ %	_____ %	_____ %
Floor Area Ratio** _____	_____	_____
Parking Area _____	_____	_____

\* Residential Districts only

\*\* No-residential districts only

✓ (b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3)

whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created. Describe why you believe the ZBA should grant your application for an area variance:

See attached.

(You may attach additional paperwork if more space is needed)

VI. Sign Variance: N/A

(a) Variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign 2	_____	_____	_____
Sign 3	_____	_____	_____
Sign 4	_____	_____	_____
	_____	_____	_____

(b) N/A Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size signs.

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

(c) N/A What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

\_\_\_\_\_  
 \_\_\_\_\_

VII. Interpretation: N/A

(a) Interpretation requested of New Windsor Zoning Local Law, Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_.

(b) Describe in detail the proposal before the Board:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or





(b) Variance: Granted (\_\_\_) Denied (\_\_\_)

(c) Restrictions or conditions: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

NOTE: A FORMAL DECISION WILL FOLLOW UPON RECEIPT OF THE PUBLIC HEARING MINUTES WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF APPEALS AT A LATER DATE.

(ZBA DISK#7-080991.AP)

JULY 14, 1994

TO: TOWN OF NEW WINDSOR ZONING BOARD OF APPEALS

SUBJECT: PRE-EXISTING DECK @ 27 CANTERBURY LANE

DEAR SIR AND/OR MADAM:

When we contracted to purchase our home at the above referenced address, we had no idea there was a problem with the main entrance deck to the home. In our opinion the house looks nice with the deck that was there when we bought the home on June 3rd, 1994.

However, just prior to our closing date we were advised that the deck did not meet your building code requirements and there was no certificate of occupancy for it. We immediately contacted the building inspector and he went to the home and listed the items that needed to be corrected. The person we purchased the home from was leaving the area and our closing date was almost upon us. Naturally, we wanted our deck safe and to comply with the codes set forth by the town. Therefore, our attorney advised the seller that she must make the necessary corrections to the deck as to comply with code. We decided (based on our closing date) that if she made the corrections that we would apply for and take the necessary steps to obtain the variance and get the certificate of occupancy for the deck she previously constructed.

The corrections were made and the inspector verified the deck (Letter from inspector attached) now conforms with building code specifications. Therefore we are respectfully requesting that a variance be granted to us and a certificate of occupancy be issued for the deck.

Sincerely,

*David C. Jones*

Pamela Laffin & David Jones  
27 Canterbury Lane  
New Windsor, N.Y. 12553



1763

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

June 3, 1994

Poughkeepsie Savings Bank  
Route 32  
Newburgh, New York 12553

Re: Farrrel to Laffin/Jones, 27 Canterbury Lane  
Section 50, Block 2, Lot 9

Dear Sir:

Concerning the front deck located at 27 Canterbury Lane, Town of New Windsor, Section 50, Block 2, Lot 9.

This will advise that Violations concerning the above mentioned property have been addressed and have been corrected and now meet New York State Code.

A Certificate of Occupancy for Building Permit #6897 will be issued pending a variance approval from the Town of New Windsor's Zoning Board.

Should you have any questions regarding the above, please do not hesitate to contact my office at telephone number 563-4618.

Very truly yours,

Michael Babcock  
Building Inspector  
Town of New Windsor

FL/lbm

file:

# Policy of Title Insurance

Issued By



## Nations Title Insurance of New York Inc.

O 187-793800

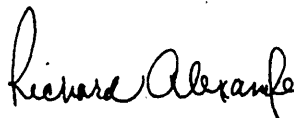
SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE EXCEPTIONS FROM COVERAGE CONTAINED IN SCHEDULE B AND THE CONDITIONS AND STIPULATIONS, NATIONSTITLE INSURANCE OF NEW YORK INC., a New York Corporation, herein called the Company, insures, as of Date of Policy shown in Schedule A, against loss or damage, not exceeding the Amount of Insurance stated in Schedule A, sustained or incurred by the insured by reason of:

1. Title to the estate or interest described in Schedule A being vested other than as stated therein;
2. Any defect in or lien or encumbrance on the title;
3. Unmarketability of the title;
4. Lack of a right of access to and from the land.

The Company will also pay the costs, attorneys' fees and expenses incurred in defense of the title, as insured, but only to the extent provided in the Conditions and Stipulations.

### Nations Title Insurance of New York Inc.

By:

  
President

Attest:

  
Secretary

Countersigned:

By

  
Authorized Officer or Agent

## OWNER TITLE INSURANCE POLICY

### SCHEDULE A

Policy No. O 187-793800

File No. JT-O-94159

Date of Policy: June 3, 1994

Amount of Insurance  
\$100,000.00

1. Name of Insured: David C. Jones  
Pamella Laffin

2. The estate or interest in the land described herein and which is covered by this policy is: Fee Simple

3. The estate or interest referred to herein is at date of policy vested in

David C. Jones & Pamella Laffin, from Frances E. Farrell by deed dated June 3, 1994, recorded June 15, 1994 in the Orange County Clerk's/Register's Office in Deed Book 4060 p 84.

4. The land referred to in this Policy is described as follows:

Schedule A Description attached hereto

## OWNER TITLE INSURANCE POLICY

### SCHEDULE B

Policy No. O 187-793800

File No. JT-O-94159

### EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorney's fees or expenses) which arise by reason of:

1. Rights or claims of parties in possession not shown by the public records.
2. Encroachments, overlaps, boundary line disputes, and any other matters which would be disclosed by an accurate survey and inspection of the premises.
3. Easements or claims of easements not shown by the public records.
4. Any lien, or right to a lien, for services, labor, or material heretofore furnished, imposed by law and not shown in the public records.
5. Taxes or assessments which are not shown as existing liens by the public records of any taxing authority that levies taxes or assessments on real property or by the public record. Proceedings by a public agency which may result in taxes or assessments, or notice of such proceedings, whether or not shown by the records of such agency or the public record.  
Underground encroachments and easements, of any, including pipes and drains and such rights as may exist for entry upon said premises to maintain and repair the same.

No title is insured to any land lying within the lines of any street, road, avenue, lane, turnpike or highway in front of or adjoining the premises described in Schedule "A" or which may cross over the same.

Subject to rights and easements, if any, acquired by any public utilities company to maintain its poles and operate its wires, lines, etc., in, to and over the premises herein and in, to and over the streets adjacent thereto.

Mortgage in the amount of \$95,000.00 made by David C. Jones and Pamela Laffin to Poughkeepsie Savings Bank, FSB dated 6/3/94 recorded 6/15/94 Liber 5143 p 33.

Covenants and Restrictions in Liber 2337 cp 265 & Liber 1496 cp 422.

Agreements in Liber 1722 cp 8, Liber 1322 cp 12, Liber 1323 cp 419, Liber 1296 cp 449, Liber 717 cp 128 & Liber 735 cp 194.

Street Dedication in Liber 1369 cp 173.

Right of Way in Liber 2337 cp 265.

SCHEDULE A

Title No. JT-O-94159

DESCRIPTION

ALL that certain piece or parcel of land situate, lying and being in the Town of New Windsor, County of Orange and State of New York, bounded and described as follows:

Beginning at an iron pipe marking the westerly line of Canterbury Lane, said point being also marking the most southeasterly corner of lands now or formerly Ringel, as described in deed Liber 3119 at page 106, and running thence;

1. S 29° 37' 00" W 60.00 feet, along the said line of Canterbury Lane, to an iron pipe, thence;
2. N 60° 23' 00" W 100.00 feet, along lands now or formerly Clark, as described in deed Liber 1751 at page 1081, to a point, thence;
3. N 29° 37' 00" E 60.00 feet, along lands now or formerly Valteau, as described in deed Liber 1319 at page 472, to a point, thence;
4. S 60° 23' 00" E 100.00 feet, along the aforesaid lands of Ringel, to the point or place of beginning.



Title # - JT-O-94159

SURVEY READING

Survey dated April 12, 1994 made by Ronald A. Washburn, surveyor, shows no encroachments, violations of deed restrictions or variations with lot lines except for the following:

1. Utility lines crossing subject premises.
2. Fence on and off record lines of title.

For Information: Subject dwelling with stone patio in rear and deck in front located within bounds. Paved drive leading from subject premises to Canterbury Lane.

# ALTA OWNER'S POLICY NEW YORK ENDORSEMENT

Issued By  
**NATIONS Title Insurance of New York, Inc.**

Attached to and made a part of NATIONS Title Insurance of New York, Inc.  
Policy No. 0 187-793800

1. The following is added to the insuring provisions on the face page of this policy:

"5. Any statutory lien for services, labor or materials furnished prior to the date hereof, and which has now gained or which may hereafter gain priority over the estate or interest of the insured shown in Schedule A of this policy."

2. The following is added to Paragraph 7 of the Conditions and Stipulations of this policy:

"(d) If the recording date of the instruments creating the insured interest is later than the policy date, such policy shall also cover intervening liens or encumbrances, except real estate taxes, assessments, water charges and sewer rents."

"(e) Provision is made in the rate manual of this company filed with the Superintendent of Insurance of the State of New York for continuation of liability to grantees of the insured in certain specific circumstances only. In no circumstance provided for in this sub-section shall this company be deemed to have insured the sufficiency of the instrument of conveyance or to have assumed any liability for the sufficiency of any proceedings after the date of this policy."

This endorsement is made a part of the policy and is subject to all of the terms and provisions thereof and any prior endorsements thereto. Except to the extent expressly stated, it neither modifies any of the terms and provisions of the policy and any prior endorsements, nor does it increase the face amount thereof.

IN WITNESS WHEREOF, the Company has caused this Endorsement to be signed as of the 3rd day of June 1994, to be valid when countersigned by an authorized officer or agent of the Company.

**NATIONS Title Insurance  
of New York Inc.**

Richard Alexander  
President

ATTEST

Chris M. Likens  
Secretary

Countersigned:

By

Authorized Officer or Agent

16.00  
400.00

Bargain and Sale Deed with Covenant against Grantor's Acts  
Individual or Corporation

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT

*THIS INDENTURE, made the 3rd day of June, 19 94.*

**BETWEEN FRANCES E. FARRELL, 27 Canterbury Lane, Town of New Windsor, Orange County, State of New York, (Mailing: 27 Canterbury Lane, Cornwall, New York, 12518),**

*party of the first part, and DAVID C. JONES and PAMELA LAFFIN, both residing at 12C Winthrop Court, Village of Wappingers Falls, Dutchess County, New York, 12590,*

*party of the second part,*

*WITNESSETH, that the party of the first part, in consideration of Ten Dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,*

*ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of New Windsor, County of Orange, State of New York, bounded and described as follows:*

The aforesaid plot, piece or parcel of land was surveyed in a survey dated April 12, 1994 made by Ronald A. Washburn, Licensed Surveyor, at the request of the grantees herein and the grantors make no representation as to the accuracy of said survey or of the following survey description.

BEGINNING at an iron pipe marking the westerly line of Canterbury Lane, said point being also marking the most southeasterly corner of lands now or formerly Ringel, as described in deed Liber 3119 at page 106, and running thence:

(1) S29°37'00"W 60.00 feet, along the said line of Canterbury Lane, to an iron pipe, thence;

(2) N60°23'00"W 100.00 feet, along lands now or formerly Clark, as described in deed Liber 1751 at page 1081, to a point, thence;

(3) N29°37'00"E 60.00 feet, along lands now or formerly Valleau, as described in deed Liber 1319 at page 472, to a point, thence;

(4) S60°23'00"E 100.00 feet, along the aforesaid lands of Ringel, to the point or place of beginning.

BEING the same premises described in a deed dated February 27, 1985 from LELAND S. CHESTNUTT to FRANCES E. FARRELL and recorded in the Orange County Clerk's Office on March 19, 1985 in Liber 2337 of Deeds at page 265.

**TOGETHER** with all right, title and interest, if any, of the party of the first part of, in and to any streets and roads abutting the above-described premises to the center lines thereof; **TOGETHER** with the appurtenances and all the estate and rights of the party of the first part in and to said premises; **TO HAVE AND TO HOLD** the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

**AND** the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

**AND** the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

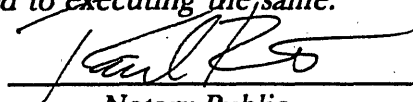
**IN WITNESS WHEREOF**, the party of the first part has duly executed this deed the day and year first above written.

**IN PRESENCE OF:**

  
FRANCES E. FARRELL

**STATE OF NEW YORK, COUNTY OF ORANGE ss:**

On the <sup>3<sup>rd</sup></sup> day of June, 19 94, before me personally came FRANCES E. FARRELL to me known to be the individual(s) described in and who executed the foregoing instrument, and acknowledged to executing the same.

  
Notary Public

**BARGAIN & SALE DEED**

FRANCES E. FARRELL

PAUL BRITE  
Notary Public, State of New York  
Reg. #4953521  
Qualified in Orange County  
Commission Expires 7/17/95

Section 50  
Block 2  
Lot 9

-TO-  
DAVID C. JONES and  
PAMELA LAFFIN

June 27, 1994

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LAFFIN, PAM/JONES, DAVID

MR. NUGENT: Request for 19 ft. 6 in. front yard variance for existing deck at 27 Canterbury Lane in an R-3 zone.

Pam Laffin and David Jones appeared before the board for this proposal.

MS. LAFFIN: This is all new to me, we're purchasing a home and we found out right before closing that the deck was not, didn't meet code. We also found out it didn't meet the variance and we needed a variance. We were almost ready to close on the house, we did make her bring to it code which we had gotten a letter from the building inspector that it meets code but we need the variance, I guess to get a C.O.

MR. NUGENT: Do you have a letter from the owner stating that you are to represent her?

MR. TORLEY: Did you purchase it?

MS. LAFFIN: We purchased the home.

MR. NUGENT: You own it.

MS. LAFFIN: We made a deal, she was leaving town. We were ready to close, our time was expiring on the closing and she had to be down south for her other closing. She brought the deck to code. We'd do the leg work for the variance, even though it wasn't our doings to begin with. I have pictures of the deck, if you want them.

MR. TORLEY: This is a corner lot?

MS. LAFFIN: Nothing across the street, behind the crest is 9W.

MR. BABCOCK: The house right now existing is 25 foot 6 inches under today's standard setback would be 35 feet, there's an exemption for 6 by 8 foot entranceway that could be in the front yard requirements but this is 8 by 14, so it is not exempt from those requirements. So

the requirements of today is 35 feet so the variance is based on the deck must be well, actually, it's 45 feet, it's an R-3 Zone, house is only 25 feet and exists so that is why the numbers are so much.

MR. TORLEY: You said you're entitled to 6 foot front stoop?

MR. BABCOCK: That is correct. You would be entitled to 6 foot by 8 foot, it would be exempt from the requirements of the front yard setback, if the house met the setback only.

MR. NUGENT: But it don't meet it anyway.

MR. BABCOCK: That is right.

MS. LAFFIN: It was built in '58, the house was.

MR. BABCOCK: So basically, what I am saying is they are not even allowed 6 foot by 8 foot, they are not allowed anything.

MR. NUGENT: But that is facing 9W.

MR. BABCOCK: Well, basically we're looking at the deck as it was added today, it was put on sometime, we don't know when and they are today trying to straighten it out. If the house was 35 feet, 36 or 37 feet, they can put 6 foot by 8 foot deck on which could stick out into the required front yard. I keep using 35, it's 45 foot.

MR. TORLEY: But clearly you cannot use the front door without some kind of an entrance.

MR. BABCOCK: That is correct.

MR. NUGENT: That is facing Canterbury.

MR. BABCOCK: That is correct.

MS. LAFFIN: We like the deck, we wanted it of course to meet code. We had no idea when we went into contract with the lady, it didn't meet code and didn't

have a C.O. so we're doing the best we can do.

MR. NUGENT: Well, you certain need it to get into your house.

MS. LAFFIN: Definitely. And it's a ranch house and I like the looks of it, when I saw the house that way. Our other option was just to put a little step on and I think that would take away from the house.

MR. HOGAN: Make a motion that we set Pam Laffin and David Jones up for a public hearing on request for public hearing for a deck at 27 Canterbury Lane.

MR. TORLEY: Second it.

ROLL CALL

MR. KANE	AYE
MR. HOGAN	AYE
MR. TORLEY	AYE
MR. NUGENT	AYE

MS. BARNHART: Here's your paperwork.

MR. NUGENT: Fill those out and when you get them filled out, bring them back and she'll set you up.

MR. KRIEGER: When you come to the public hearing, if you would address yourself to the 5 criteria set forth there. Those are the criteria which the Zoning Board needs to decide, so it would be helpful if you'd address yourself to those. Also, just in closing, you would bring a copy of your deed and your title report to us so we can look at it at that time.

MS. LAFFIN: Copy or like the original and give it back?

MR. KRIEGER: I don't want to keep the originals, bring a copy, bring the original and we'll look at it and give it back to you.

MS. LAFFIN: How long does that take?

June 27, 1994

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MR. TORLEY: Depends on how long it takes you to get the paperwork in.